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Andrew M. Calderon
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

EXAMINER
TRAORE, FATOUMATA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/731,020	MOURAD, MAGDA
	Examiner	Art Unit	
	Fatoumata Traore	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01 October 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21 and 23-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21 and 23-39* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1.   This is in response to the amendment filed on October 1, 2007. Claims 1-21, and

23-39 are currently pending and have been considerer below.

2.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

1.   Applicant's arguments see pages 11-12, filed October 1, 2007, with respect to

the objection of the specification have been fully considered and are persuasive. The

objection of the specification has been withdrawn.

2.

Response to Arguments

3.   Applicant's arguments filed October 1srt, 2007 have been fully considered but

they are not persuasive.

4.   *Claim 1:*

Applicant has amended the claim to recite the following limitation "***wherein the***

download of the authoring application includes checking a client browser's

version and downloading a DRM extension appropriate for the browser's

version" which was previously cited in claim 4 and rejected by the examiner over

Woo et al. The examiner respectfully proposes that the cited section is in fact

applicable to the present invention. First, applicant is respectfully reminded that

during patent examination, the pending claims must be given their broadest

reasonable interpretation consistent with the specification "(Phillips v. AWH Corp,

415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). See MPEP 2111.

Applicant stated that **Woo et al** does not disclose each of the features of claim 1.

"*For example, Applicant submits that Woo at least does not disclose*

checking the client browser's version and downloading the DRM extension

appropriate for the browser's version. As addressed under the § 103(a)

rejection of original claim 4"

The examiner respectfully disagrees with Applicant and still maintains the

rejection.

Woo et al discloses in paragraph [0162] that the "*DRM controller 141 may be*

downloaded and installed automatically using ActiveX control method.

After installing process of the DRM controller 141, the DRM controller may

be checked with version number and only upgraded when a new version is

released". Therefore, it is maintain that **Woo et al** meets the claimed limitation.

In fact, the court explained that "reading a claim in light of the specification, to

thereby interpret limitations explicitly recited in the claim, is a quite different thing

from reading limitations of the specification into a claim, to thereby narrow the

scope of the claim by implicitly adding disclosed limitations which have no

express basis in the claim." See MPEP 2111, In re Prater, 415 F.2d 1393, 1404-

05, 162 USPQ 541, 550-51 (CCPA 1969), and also In re Morris, 127F.3d 1048,

1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir.1997).

Therefore, the examiner submits that **Woo et al** discloses each and every feature

of claim 1 and respectfully maintains the rejection.

5.   *Claim 27:*

Applicant submits that Woo does not disclose each of these features. For

example, Applicant submits that Woo at least does not disclose *a portal server*

to permit authoring of at least one shareable content object (SCO) having

one or more assets.

However, upon closer review of the second reference (**Bushse et al**), it is

submitted that the prior art of the record discloses such feature.

In response, the examiner is now referring to a new portion of the prior art, which

better explained the limitation of the claimed invention.

"A portal server (catalog component) to permit authoring (creating) of at

least one shareable content object (SCO) having one or more assets." See

(paragraphs [0028], [0029], [0229]).

There is no new ground of rejection when the basic thrust of the rejection

remains the same such that an appellant has been given a fair opportunity to

react to the rejection. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425,

426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have

mentioned new portions of the prior art references, which were not used in the

prior office action, this does not constitute new ground of rejection. It is clear that

the prior art reference is of record and has been considered entirely by applicant.

See In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966)

and In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

Therefore, the examiner submits that **Bushse et al** discloses each and every

feature of claim 27 and respectfully maintains the rejection.

6.   *Claim 32:*

"Applicant submits that Woo does not disclose each of these features. For

example, Applicant submits that Woo at least does not disclose *Applicant*

submits that SCORM is a generally known collection of standards and

specifications for web-based e learning. Furthermore, Applicant submits

that the above-cited passage is completely silent as to ensuring

conformance of the unprotected digital content to Shareable Content

Object Reference Model (SCORM) standards. Moreover, Applicant submits

that Woo in its entirety is completely silent with respect to SCORM

standards"

The examiner respectfully disagrees with applicant and still maintains the

rejection. In response, argument the examiner is now referring to a new portion

of the prior art, in addition to the cited portion, which better explained the

limitation of the claimed invention. **Wood et al** (paragraphs [0028], [0046],

[0062], [0050]).

There is no new ground of rejection when the basic thrust of the rejection

remains the same such that an appellant has been given a fair opportunity to

react to the rejection. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425,

426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have

mentioned new portions of the prior art references, which were not used in the

prior office action, this does not constitute new ground of rejection. It is clear that

the prior art reference is of record and has been considered entirely by applicant.

See In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966)

and In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

Therefore, the examiner submits that **Woo et al** discloses each and every

element feature of claim 32 and respectfully maintains the rejection.

7.   *Claim 39:*

Applicant submits, "***Additionally, although not specifically rejected under***

Buhse, Applicant submits that Buhse does not disclose each feature of

claim 39. For example, Applicant submits that Buhse at least does not

disclose a fourth computer code to provide a common interface

personalized to a user's profile and role to facilitate one of accessing or

downloading the first computer code."

8.   In response, the examiner is now referring to the second prior art, which

better explained the limitation of the claimed invention. **Bushse et al** (see page

1, paragraph 0006).

        i.   A first computer code to compose a shareable content object

        (SCO) representing one or more assets (a Client Interface Component

(first computer code) accessible to clients to allow a client to set up and

manage an offer of digital products for sale or subscription) (page1,

paragraph [0006]);

ii.   A second computer code to assign a digital rights to the SCO to

secure the one or more assets (An Offer Catalog Component (second

computer code) accessible to consumers provides consumers with a

listing of the products available from a client) (page1, paragraph [0006]);

iii.   A third computer code to individually access the SCO and the one

or more assets, wherein the access to the SCO and the one or more

assets is individually controlled by the assigned digital rights (An Account

Management System processes consumer purchase orders, and a Rights

Locker Component (third computer code) issues purchased products and

associated intellectual property rights (if needed) to consumers (page 1,

paragraph [0006]).

iv.   A fourth computer code to provide a common interface

personalized to a user's profile and role to facilitate one of accessing or

downloading the first computer (An Order Management System (fourth

computer code) coordinates cataloging, the management of accounts and

the delivery of products)(page 1, paragraph [0006]).

Therefore, the examiner submits that **Bushse et al** discloses each and every

element feature of claim 39 and respectfully maintains the rejection.

9.   *Claim 17:*

Applicant submits "Initially, Applicant notes that in rejecting claim 17, the Examiner did not address all of the features of claim 17. That is, in the instant action the Examiner did not address the feature of "logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role," in the rejection of claim 17. Accordingly, Applicant submits that the Examiner has not set forth a prima facie case of anticipation.

Additionally, Applicant notes that the Examiner has addressed claim 17 in the Response to Arguments section. However, in addressing claim 17 in the Response to Arguments section, the Examiner did not address each of the features of claim 17. That is, the Examiner did not address the feature of *"updating an on,line electronic store (e-Store) with the one or more SCOs*." Accordingly, Applicant submits that the Examiner has not set forth a prima facie case of anticipation"

The examiner respectfully disagrees with the applicant and still maintains the rejection.

In response, the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention

Updating an on-line electronic store (e-Store) with the one or more SCOs (*a client application packages application digital content through automated packaging component, and the system updates the catalog. The catalog is distributed to the retailer network* (page 2, paragraph [0035]);

Applicant further submits "Moreover, as set forth above, paragraph [0084] of

Buhse discloses that an AMC, which is part of the Automated Packaging

Component (APC), processes operations for creating custom subscription plans

based on business rules. However, Applicant submits that creating custom

subscription plans does not constitute a common interface personalized to a

user's profile and role, as recited in claim 17. That is, custom subscription plans

are not an interface for a portal server that allows a user to perform any of the

steps of claim 17.

Moreover, as set forth above, Applicant submits that Buhse does not disclose

logging onto a portal server to perform any of the steps, wherein the portal server

provides a common interface personalized to a user's profile and role"

In response, the examiner is now referring to a new portion of the prior art, which

better explained the limitation of the claimed invention (see paragraphs [0032],

[0231]).

Therefore, the examiner submits that **Bushse et al** discloses each and every

element feature of claim 17 and respectfully maintains the rejection.

10.   *Claim 38:*

"Applicant submits that claims 4, 37 and 38 are dependent claims, depending

from respective distinguishable base claims. Accordingly, these claims should be

in condition for allowance based upon their dependencies.

Additionally, with respect to claim 38, Applicant submits that Woo does not teach

or suggest each feature of the claim. Claim 38 recites, in pertinent part:

•.. wherein the digital rights generation layer provides updating and version

control capabilities of the protected digital content and any associated metadata

files"

The examiner respectfully disagrees with the applicant and still maintains the

rejection and refers applicant back to cited paragraph [00161]).

Therefore 4, 37, and 38 are not in condition for allowance and in addition the

examiner submits that **Woo et al** discloses the above feature of claim 38 and

respectfully maintains the rejection.

11.   ***Claim 35:***

Applicant submits, "The Examiner asserts that Buhse discloses the securxty

manager component at paragraph [0029]. Specifically, the Examiner asserts that

this feature is taught or suggested by the passage "the client interface

component accessible by clients, allow each client to set up and manage its offer

of digital products for sale or subscription." However, Applicant submits that the

cited passage is silent with respect to providing secure communications with

client stations and an electronic store. Therefore, Applicant submits that Buhse

does not teach or suggest the security manager component"

In response, the examiner is now referring to a new portion of the prior art, which

better explained the limitation of the claimed invention see paragraphs [0038],

[0035], [0230]

The system may also include a modular software automatic packaging

component (APC) for packaging digital products for transmission to

consumers by providing the products with digital rights management

encryption (secure communication)

Therefore 6-8, 11-14, 29, 31, 35 and 36 are not in condition for allowance and in

addition the examiner submits that **Bushse** discloses the above feature as

recited in claim 35 and respectfully maintains the rejection.

12.   Claims 4, 6-8, 11-14, 18-20, 23, 25, 26, 29, 31, 35-38. The examiner maintains

the rejection based on the same rational as applied to independent claims 1, 17, 27,

and 32.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14.   Claims 1-3, 5, 9,10, 15,16, 32-34 are rejected under 35 U.S.C. 102(e) as being

anticipated by Woo et al (US 2005/0086501).

Claim 1: Woo et al discloses a digital content information protection system

comprising:

i.   Accessing an authoring application for creating a shareable content

object (SCO), the accessing being through at least one of a web based

remote access and a download of the authoring application (the purpose

of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1);

ii.   Composing a shareable content object (SCO) representing one or more assets using the authoring application (the digital content in this invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1);

iii.   Assigning a digital rights to the SCO to secure the one or more assets (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1); and

iv.   Individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets (the invention suggest a drastic prevention method of copy right infringement such as illegal copy and unauthorized distribution of digital content) (page 1, paragraph 1).

v.   Wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version (DRM is downloaded and installed automatically using active x control method. After the installation process,

the DRM controller is checked with version number and upgraded if

appropriate) (page 9, paragraph [0161]).

Claim 2: <u>Woo et al</u> discloses a digital content information protection system as in

claim 1 above, and further discloses that the accessing step includes: accessing

an on-line portal server to obtain registration information; and registering as an

author of learning objects (providing means for holding the encrypted content

package and providing the encrypted content package to users online) (page 3,

paragraphs [0031], [0079], [0080], [0084]).

Claim 3: <u>Woo et al</u> discloses a digital content information protection system as

in claim 2 above, and further discloses that the registration step includes

receiving a registration confirmation that includes at least one of a user-id, a

password, a login uniform resource locator (URL) and a universal resource

identifier (URI) (the user authentication of ID and password is needed to connect

with digital right management server (page 8, paragraph 157 and 163).

Claim 5: <u>Woo et al</u> discloses a digital content information protection system as in

claim 1 above, and further discloses that the assigning step includes:

    i.   Logging on to a digital packager (DRM controller 141 in user mode

    executes several operations such as an access permission inspection,

    authentication of user and client system's hardware, inspection of license

    and usage rights, receiving of decryption key, activation and control of

    network filter driver 404, etc) (paragraphs [0046], [0184]);

ii.   Uploading a package containing the SCO and a metadata file (the

encrypting and uploading step of converting original contents into

encrypted content package using one or more encryption keys of a DRM

server and uploading the encrypted content package to content server

(page 6, paragraph [0104]); and

iii.   Triggering a digital rights management (DRM) packager to assign

digital rights to at least one of the SCO and the one or more assets and

the package (the initiating and connecting step of connecting the client

system to the content server and initiating downloading service by a user

selecting contents in a web or ftp server) (page 6, paragraph [0105],

[0149]).

Claim 9: Woo et al discloses a digital content information system as in claim 1

above, and further comprising:

i.   Assigning digital rights to the one or more assets a (a DRM sever

component for managing generation of encryption keys and issuance of

license) (page 3, paragraph [0041]) and;

ii.   Encrypting at least one of the SCO and one or more assets

(encryption means for encrypting original contents using one or more

encryption keys and generating content package (page 3, paragraph

[0030]).

Claim 10: Woo et al discloses a digital content information protection system as

in claim 1 above, and further discloses that the assigning digital rights step

assigns rights to the one or more assets to independently access the one or

more assets under control of the assigned digital rights (the content packager

requesting and obtaining one or more encryption keys from the DRM server

(page 5, paragraph [0069]).

Claim 15: Woo et al discloses a digital content information system as in claim 1

above, and further discloses that in the composing step the one or more assets

include at least one of a video asset, a text asset, a music asset, and a learning

asset (the digital content in this invention is a digital file including such as movie,

sound, image, software, game, online education, etc) (page1, paragraph 1).

Claim 16: Woo et al discloses a digital content information protection system as

in claim 1 above, further comprising packaging a content aggregation file

separately from the SCO and any asset files, wherein the content aggregation file

includes for the SCO: an associated metadata file, a manifest file, a content

packaging information, and encrypted rights (in a preferred embodiment,

encrypted content package comprises at least a data object portion that are

encrypted contents and a header object portion hat are non-encrypted meta

data) (page 4, paragraph 54).

Claim 32: Woo et al discloses a digital content information protection system

comprising:

     i.   A secure uploading service capable of receiving unprotected digital

     content having one or more parts, associated metadata, and one or more

     promotional materials (encrypting and uploading step of converting

original contents into encrypted content package using one or more

encrypting keys of a DRM sever and uploading the encrypted content

package to a content server (page 6, paragraph 104);

ii.　　An automatic validation component adapted to ensure conformance

of the unprotected digital content to Shareable Content Object Reference

Model (SCORM) standards and providing error messages to enable

correction (the network filter driver uses a transmission control protocol or

user diagram protocol additionally having a function of correcting received

data (page 4, paragraph 50); and

iii.　　A digital rights generation layer having one or more components

adapted to provide a web-based interface for specifying different rights to

the one or more parts for providing protected digital content (the present

invention suggest a new content service of streaming and download

method to support an encryption, distribution, and decryption of content

and to allow a proper content usage (page 1, paragraph 1).

Claim 33: Woo et al discloses a digital content information protection system as

in claim 32 above, further discloses a means for generating digital rights files and

associating the digital rights files with the digital content by embedding links into

a metadata right field within corresponding metadata files (a DRM sever

component for managing generation of the encryption keys and issuance of

license (page 3, paragraph [0041]).

Claim 34: Woo et al discloses a digital content information protection system as

in claim 33 above, further comprising a transparent web service for automatically

encrypting the protected digital content and the rights files, wherein the digital

rights generation layer provides content protection services (encryption means

for encrypting original contents using one or more encryption keys (page 3,

paragraph 30).

15.   Claims 17-20, 23, 25-27, 31 and 39 are rejected under 35 U.S.C. 102(e)

as being anticipated by Bushe et al (US 2004/0024652).

Claim 17: Buhse et al discloses a system for distributing digital products subject

to intellectual property right comprising:

     i.   Creating a package containing one or more shareable content

objects (SCOs) (catalog component) (page 2, paragraph [0028]);

     ii.   Assigning digital rights management (DRM) to the one or more

SCOs (the order management system use right locker component to

provide intellectual property rights and security feature (page 2, paragraph

[0037]);

     iii.   Updating an on-line electronic store (e-Store) with the one or more

SCOs (a client application packages application digital content through

automated packaging component, and the system updates the catalog.

The catalog is distributed to the retailer network (page 2, paragraph

[0035]);

iv.   Making the one or more SCOs available for searching and

downloading at a client, wherein access to the one or more SCOs is

controlled by the DRM, and the one or more SCOs include one or more

assets individually controllable (The client interface component accessible

by clients allows each client to set up and manage its offer of digital

products for sale. The offer catalog provides customers with a listing of

digital products available from each client) (page 2, paragraph [0029]);

and

v.   Logging onto a portal server to perform any of the steps, wherein

the portal server provides a common interface personalized to a user's

profile and role (Subscription management operations are processed

through AMC. These operations allow a client (affiliate) to create custom

subscription plans based on their own business rules) (paragraphs [0034]

and [0084]).

Claim 18: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further discloses that the

step of creating a package contains a content aggregation file containing at least

one of a metadata, a manifest, content packaging information, and a encrypted

rights for each SCO in the package (the system provides a complete solution for

account management, packaging, catalog aggregation and content management,

rights locker and complete reporting (page 2, paragraph 38).

Claim 19: <u>Buhse et al</u> discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further discloses that the

package is uploaded in a compressed format and place in digital container (the

automated Package Component consist of an overall framework (page 9,

paragraph 201).

Claim 20: <u>Buhse et al</u> discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further discloses that the

step of storing the package in a learning objects repository for later retrieval by

an on-line learning management system when the one or more SCOs is at least

one of searched and accessed (The Rights Locker Component (RLC) record

consumer preferences. The information provided by the retailer is then recorded

in the RLC. A fuzzy logic matching capable in conjunction with catalog searches

make helpful product suggestion and help direct the consumer. A central play list

allows consumers to access to their personal play list from any device) (page7,

paragraph 160).

Claim 23: <u>Buhse et al</u> discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further comprising:

      i.   Logging onto an electronic store (e-store) to access the one or

           more SCOs (the catalog can be sent via FTP under distributor accounts

           with login/password protection) (page 5, paragraph 104); and

ii.   Generating promotional material (fig 2 illustrates a promotional

scenario wherein a consumer receives a digital product at no cost in

exchange for leaving valuable user information (page 4, paragraph 64);

iii.   And supplying parameters indicating at least one of: a package ID,

whether each of the SCOs is encrypted, whether the one or more SCOs

are to be delivered via on-line or off-line mode, whether the package is a

course or SCO, a license server address, content manager address, and

whether the promotional contents are packaged into a secure container

(the offer catalog component accessible by customers provide customer

with a listing of the digital products available from each client) (page 2,

paragraph 29).

Claim 25: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further comprising:

i.   Extracting information including thumbnail promotional material

from a content aggregation (CA) file (the offer catalog component (OCC)

maintains the content catalog database that contains product and offer

information for supported digital content. The OCC also provides

information about the product content. The OCC can work with 3rd party

providers of promotional catalog and facilitate their integration to provide

update digital catalogs (page 5, paragraph 102);

ii.   Ingesting the one or more SCOs and CA file into a catalog using

the information (a client application packages application digital content

through automated packaging component, and the system updates the

catalog. The catalog is distributed to the retailer network (page 2,

paragraph 35);

iii.   And storing the thumbnail promotional material into the catalog and

associating the promotional material with the one or more SCOs, wherein

the thumbnail promotional material and one or more SCOs are searchable

(The client interface component accessible by clients allows each client to

set up and manage its offer of digital products for sale. The offer catalog

provides customers with a listing of digital products available from each

client) (page 2, paragraph 29).

Claim 26: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, and further discloses that the

one or more assets are at least one of a video asset, a text asset, a music asset,

and a learning asset (the store information include products purchased and rights

granted (burn-to-cd, download to pd) (page 7, paragraph 157).

Claim 27: Buhse et al discloses a system for distributing digital products subject

to intellectual property right comprising:

i.   A portal server to permit authoring of at least one shareable content

object (SCO) having one or more assets (catalog component) (page 2,

paragraphs [0028], [0029], [0229]);

ii.   A digital rights management (DRM) content packager accessible

via the portal server which assigns digital rights to the at least one

shareable content object (SCO) (The Automated Packaging Component
(APC) 106, packages a digital product for shipment (transmission) by
encrypting it with any known digital rights management technology. The
product can be made available to a customer via a fire sharing system
109) (paragraphs [0033], [0037], [0229], [0236]; Fig. 8B);

iii.   A DRM license server which assigns license criteria to the at least
one SCO and the one or more assets (the rights Locker Component (RCL)
has the ability to handle multiple copies for a consumer, allow the
registration of multiple devices by a consumer and administer volume
licensing for tracking the usage of multiple consumer) (paragraphs [0033],
[0229]); and

iv.   A content manager which stores or retrieves the at least one SCO
and the one or more assets (The Order Management System (OMS) 105,
is essentially an event driven command processor that manages the entire
application. External communications 108 to the application are routed
through OMS 105 to the appropriate functional module. OMS 105 reacts
to requests from both external and internal interfaces) (page 3,
paragraphs [0034], [00229]).

Claim 31: <u>Buhse et al</u> discloses a system for distributing digital products subject
to intellectual property right as in claim 27 above, and further discloses that the at
least one SCO is packaged into a digital container, and wherein the each of the
at least one SCO and each of the one or more assets is associated with a price

controlled by DRM (the offer catalog component include retailer catalog uploads, consumer request for product) (paragraphs [0036], [0106], [0210]).

Claim 39: <u>Buhse et al</u> discloses a system for distributing digital products subject to intellectual property right comprising:

> i.   A first computer code to compose a shareable content object (SCO) representing one or more assets (a Client Interface Component (first computer code) accessible to clients to allow a client to set up and manage an offer of digital products for sale or subscription) (page1, paragraph [0006]);

> ii.   A second computer code to assign a digital rights to the SCO to secure the one or more assets (An Offer Catalog Component (second computer code) accessible to consumers provides consumers with a listing of the products available from a client) (page1, paragraph [0006]);

> iii.   A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (An Account Management System processes consumer purchase orders, and a Rights Locker Component (first computer code) issues purchased products and associated intellectual property rights (if needed) to consumers (page 1, paragraph [0006]).

> iv.   A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or

downloading the first computer (An Order Management System (fourth

computer code) coordinates cataloging, the management of accounts and

the delivery of products)(page 1, paragraph [0006]).

16.   Claims 4, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Woo et al** (US 2005/0086501).

    Claim 4: Woo et al discloses a digital content information protection system as in

claim 1 above, and further discloses that the download of the authoring

application includes:

      i.   Accessing an application to create SCO rights metadata and

promotional material (the purpose of this invention supposes a method

and system to facilitate the information protection of digital content

transferred by streaming and download service through wire or wireless

internet network (page 1, paragraph 1);

      ii.   And generating a public key pair for the client for encryption

purposes and sending a private key to the client, wherein the accessing

the application to create SCO rights metadata occurs through one of a

web based remote access and a download the application (DRM server

generates an encryption key with random size using a pseudorandom

number algorithm (page 8, paragraph 158).

    Examiner considers it immaterial as to which encryption technique was used to

encrypt data. It would have been obvious to one having ordinary skill in the art at

the time of the invention made that the information content protection system use

an asymmetric encryption. One would have been motivated to do so in order to

increase data integrity.

Claim 37: Woo et al discloses a digital content information protection system as

in claim 32 above, and further discloses that the rights generation layer has a

public-key certificate by a certificate authority indicating that all the components

are trusted. (DRM server generates an encryption key with random size using a

pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it

immaterial as to which encryption technique was used to encrypt data. It would

have been obvious to one having ordinary skill in the art at the time of the

invention made that the digital content protection system use an asymmetric

encryption. One would have been motivated to do so in order to increase data

integrity.

Claim 38: Woo et al discloses a digital content information protection system as

in claim 32 above, and further discloses that the digital rights generation layer

provides updating and version control capabilities of the protected digital content

and any associated metadata files. (DRM is downloaded and installed

automatically using active x control method. After the installation process, the

DRM controller is checked with version number and upgraded if appropriate)

(page 9, paragraph 162). It would have been obvious to one having ordinary skill

in the art at the time of the invention was made to include a version control

feature. One would have been motivated to do so in order to facilitate the use of

DRM software.

17.   Claims 6, 7, 8, 11-14, 35, 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Woo et al (US 2005/0086501) in view of Buhse et al (US

2004/0024652).

> *Claim 6:* Woo et al discloses a digital content information protection system as in
>
> claim 5 above, but does not discloses that the triggering step includes assigning
>
> a price level to one of the SCO and the one or more assets controlled by the
>
> assigned digital rights. However, Buhse et al discloses a similar system for
>
> distributing digital products subject to intellectual property right, and further
>
> discloses that one of the triggering step is checking out the product after
>
> providing payment information (page 3, paragraph 48). Therefore, it would have
>
> been obvious to one having ordinary skill in the art at the time of the invention to
>
> include the price as a triggering step. One would have been motivated to include
>
> the price in order to facilitate the transaction.
>
> *Claim 7:* Woo et al discloses a digital content information protection system as in
>
> claim 5 above, but does not discloses that parsing the package to extract
>
> structure and titles; and assigning a package ID with a package name to the
>
> SCO. However, Buhse et al discloses a similar system for distributing digital
>
> products subject to intellectual property right, and further comprising: parsing the
>
> package to extract structure and titles; and assigning a package ID with a
>
> package name to the SCO (the offer catalog component (OCC) maintains the

content catalog database that contains product and offer information for

supported digital content. The OCC also provides information about the product

content. The OCC can work with 3rd party providers of promotional catalog and

facilitate their integration to provide update digital catalogs (page 5, paragraph

102). Therefore, it would have been obvious to one having ordinary skill in the

art at the time of the invention to assign an ID to the package. One would have

been motivated to do so in order to maintain data integrity.

Claim 8: Woo et al discloses a digital content information protection system as in

claim 1 above, but does not discloses generating promotional material and

thumbnail for use in an electronic store (eStore) to provide searching and

discovery capability, and storing the promotional material and the SCO in an on-

line catalog. However, Buhse et al discloses a similar system for distributing

digital products subject to intellectual property right that further discloses

generating promotional material and thumbnail for use in an electronic store

(eStore) to provide searching and discovery capability (a fuzzy logic matching

capability in conjunction with catalog searches makes helpful product

suggestions) (page 7, paragraph 160); and storing the promotional material and

the SCO in an on-line catalog (the offer catalog component (OCC) maintains the

content catalog database that contains product and offer information for

supported digital content. The OCC also provides information about the product

content. The OCC can work with 3rd party providers of promotional catalog and

facilitate their integration to provide update digital catalogs (page 5, paragraph

102). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to generate promotional material for use in eStore. One would have been motivated to do so for advertising purpose.

Claim 11: Woo et al discloses a digital content information protection system as in claim 5 above, but does not discloses the step of placing the SCO, the metadata file and a promotional file into a digital container. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that further discloses that the system provides a complete solution for account management, packaging, catalog aggregation and content management (page 2, paragraph 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the product into a digital container. One would have been motivated to do in order to maintain data integrity.

Claim 12: Woo et al and Buhse et al disclose a digital content information protection system as in claim 11 above, and Woo et al further discloses that the placing step includes at least one of assigning digital rights to the SCO and encrypting the one or more assets using randomly generated symmetric keys of the associated SCO (DRM server generates an encryption key using Pseudorandom number algorithm (page 8 paragraph 158). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use randomly generated symmetric keys encryption. One would have been motivated to do so in order to increase data integrity.

Claim 13: <u>Woo et al</u> and <u>Buhse et al</u> disclose a digital content information

protection system as in claim 12 above, and <u>Woo et al</u> further discloses that the

digital rights include at least one of price, user identity, and length of use (usage

rights including at least a count of use and a period of use of the contents and

terminal restriction information) (page 4, paragraph 61). It would have been

obvious to one having ordinary skill in the art at the time of the invention to

include usage rights conditions. One would have been motivated to do so in

order to build up the copyright protection and proper distribution.

Claim 14: <u>Woo et al</u> and <u>Buhse et al</u> disclose a digital content information

protection system as in claim 12 above, and <u>Woo et al</u> further includes a step of

placing the randomly generated symmetric keys in the metadata file, and

encrypting the metadata file with a public key (encryption means for encrypting

original contents using one or more encryption keys and generating a content

package (page 3, paragraph 30). Therefore, it would have been obvious to one

having ordinary skill in the art at the time of the invention to use an asymmetric

encryption. One would have been motivated to do so in order to build up the

copyright protection and proper distribution.

Claim 35: <u>Woo et al</u> discloses a digital content information protection system as

in claim 32 above, but does not disclose a security manager component and a

content repository component. However, <u>Buhse et al</u> discloses a similar system

for distributing digital products subject to intellectual property right, and further

discloses a security manager component adapted to provide secure

communications with client stations and an electronic store (the client interface

component accessible by clients, allow each client to set up and manage it s

offer of digital products for sale or subscription (page 2, paragraphs [0029]

[0038], [0035], [0230]); and a content repository component, which prevents any

input/output operation, that creates a rights violation when the protected digital

content is stored (offer catalog component sends product IDS to the system as

well as confirming whether or not a product is part of a subscription plan (page 2,

paragraphs {0031], [0038], [0035], [0230]). Therefore, It would have been

obvious to one having ordinary skill in the art at the time of the invention was

made to include a security manager component and a content repository

component. One would have been motivated to do so in order to increase data

integrity.

Claim 36: <u>Woo et al</u> discloses a digital content information protection system as

in claim 32 above, but does not disclose a means for providing catalog creation

services. However, <u>Buhse et al</u> discloses a similar system for distributing digital

products subject to intellectual property right that discloses a means for providing

catalog creation services, and further includes invoking web services with a

trusted electronic store to create a catalog entry of the protected digital content

and any associated promotional material (applicant system provide each client

with a virtual store such as a branded website. The system store the client digital

products, provide a virtual catalog of the client products (page 2, paragraph 28).

Therefore, It would have been obvious to one having ordinary skill in the art at

the time of the invention was made to include a catalog creation means. One

would have been motivated to do so in order to increase sale of digital products.

18.   Claims 21, 24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Buhse et al (US 2004/0024652) in view of Woo et al (US 2005/0086501).

Claim 21: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, but does not disclose that

assigning DRM include a price information and access limitation. However, Woo

et al discloses a similar digital content information protection system, and further

discloses that assigning DRM step to the one or more SCOs include assigning a

price to each of the one or more SCOs and at least one of the one or more

assets, and the assigning the DRM step causes limitation of access to the one or

more SCOs by user identity, price, or type of asset (usage rights including at

least a count of use and a period of useof the contents and terminal restriction

information) (page 4, paragraph 61). Therefore, it would have been obvious to

one having ordinary skill in the art at the time of invention to include an access

limitation. One would have been motivated to do so in order to build up the

copyright protection and proper distribution.

Claim 24: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 17 above, but does not disclose assigning

symmetric key and encrypting each one or more of the SCOs. However, Woo et

al discloses a similar digital content information protection system, which further

comprises a step of assigning symmetric keys to each one or more SCOs and

encrypting each one or more SCOs with the symmetric keys (DRM server

generates an encryption key with random size using a pseudorandom number

algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which

encryption technique was used to encrypt data. It would have been obvious to

one having ordinary skill in the art at the time of the invention to use an

asymmetric encryption. One would have been motivated to do so in order to

increase data integrity.

Claim 28: <u>Buhse et al</u> discloses a system for distributing digital products subject

to intellectual property right as in claim 27 above, and further discloses that the

portal server provides a common interface personalized to a user's profile and

role (right locker component record consumer preference (page 7, paragraph

160) (and user interface provide customer care interface, customer profiling,

recommendations and personalization (page3, paragraph 32). But does not

explicitly disclose that the portal server facilitates at least one of: accessing a

web base authoring application for creating the at least one SCO the purpose of

this invention supposes a method and system to facilitate the information

protection of digital content transferred by streaming and download service

through wire or wireless internet network. However, <u>Woo et al</u> discloses a digital

content information protection system, which further discloses that the portal

server facilitates at least one of: accessing a web base authoring application for

creating the at least one SCO the purpose of this invention supposes a method

and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1), and downloading of an client authoring application for creating the at least one SCO (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention facilitate accessing and creating the at least one SCO. One would have been motivated to do so in order to allow consumer easy access to their personal digital products.

Claim 29: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 27 above, and further discloses that the DRM content parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material (Offer catalog component sends product IDS to the system as well as confirming whether or not a product is part of a subscription plan (page 2, paragraph 31). But does not explicitly discloses that the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository. However, Woo et al discloses a digital content information protection system, which further discloses that the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with

a content manager loader for storing the at least one SCO in a learning objects

repository (the encrypting and uploading step of converting original content into

encrypted content package using one or more encryption keys of DRM sever and

uploading the encrypted content package to a content sever (page 4, paragraph

63), but does not discloses that the DRM content parses the package to extract

structure and titles of the package, the package containing the at least one SCO

and promotional material. Therefore, It would have been obvious to one having

ordinary skill in the art at the time of the invention was made to include a step of

uploading the at least one SCO and communicates with a content manager

loader for storing the at least one SCO in a learning objects repository. One

would have been motivated to do so in order to increase data integrity.

Claim 30: Buhse et al discloses a system for distributing digital products subject

to intellectual property right as in claim 27 above, but does not explicitly disclose

that in the composing step the one or more assets include at least one of a video

asset, a text asset, a music asset, and a learning asset. However, Woo et al

discloses a similar digital content information protection system, which further

discloses that in the composing step the one or more assets include at least one

of a video asset, a text asset, a music asset, and a learning asset (the digital

content in this invention is a digital file including such as movie, sound, image,

software, game, online education, etc) (page1, paragraph 1).

Conclusion

19.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fatoumata Traore whose telephone number is (571)

270-1685. The examiner can normally be reached Monday through Thursday from 7:00

a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone

number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft

or Informal faxes, which will not be entered in the application, may be submitted directly

to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group Receptionist whose telephone number is

(571) 272-2100.

FT   Nassar G. Moazzami
Wednesday October 17th, 2007   Supervisory Patent Examiner

10/18/07